

JPA #89-120

CONSTRUCTION
INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF CASA GRANDE

89-120

THIS AGREEMENT, entered into pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, by and between the STATE OF ARIZONA, acting by and through the ARIZONA DEPARTMENT OF TRANSPORTATION, hereinafter called "STATE", and the CITY OF CASA GRANDE, hereinafter called "CITY",

WHEREAS, the STATE is empowered by A.R.S. Section 28-108 to enter into this Agreement and the Director of the ARIZONA DEPARTMENT OF TRANSPORTATION has delegated to the undersigned his authorization to execute this Agreement on behalf of the STATE,

WHEREAS, the CITY is empowered by A.R.S. Section 48-572 to enter into this Agreement, and acting by and through its duly elected governing body, has by that certain resolution attached hereto and incorporated herein as Exhibit "A" resolved to enter into this Agreement and has authorized the undersigned as its representative to execute the same on behalf of said CITY,

WHEREAS, for the safety and protection of the traveling public, it is necessary and desirable that certain improvements and/or modifications be made on the State Highway System in the CITY. This work shall consist of the installation of new traffic signals at the following location:

SR 287 at Colorado Street, MP 113.28

Project #M951-3-903

H 2805 01C 287 PM 113

NO. 14389

FILED WITH SECRETARY OF STATE

Date Filed 11-27-89

Jim Shumway
Secretary of State

By B. J. Vermillion

NOW, THEREFORE, in consideration of the mutual covenants hereinafter to be kept by all parties, it is mutually agreed as follows:

*1. The STATE shall advertise for bids and award a contract for the installation of the traffic signals on SR 287 at Colorado Street, MP 113.28.

2. The CITY, upon completion of the work shall reimburse the State for 50 per cent of the final construction and engineering costs at SR 287 at Colorado Street, not to exceed \$40,000 for its share of the cost of the work.

3. This Agreement shall be considered as terminated when all conditions as set forth herein have been complied with and the traffic signals are complete, in place, and functional.

4. All parties are hereby put on notice that this Agreement is subject to cancellation by the Governor pursuant to Arizona Revised Statutes Section 38-511.

5. This Agreement shall be filed with the Secretary of State and shall become effective upon filing.

6. Attached to this Agreement and incorporated herein by reference is Exhibit "B" which is a copy of the written determination of the appropriate attorney that the CITY OF CASA GRANDE is authorized under the laws of this State to enter into this Agreement and that it is in proper form.

* The following paragraph replaces 1. above:

1. By mutual agreement the work will be done by ADOT forces which will result in a much earlier signal turn-on date due to present congestion being experienced.

7. In the event of a dispute, the parties agree to use arbitration to the extent required by A.R.S. §12-1518.

STATE OF ARIZONA
ARIZONA DEPARTMENT OF TRANSPORTATION

BY:

Roger L. Hatcher
State Traffic Engineer

DATE:

Sept 27, 1989

CITY OF CASA GRANDE

BY:

Rita Jones

TITLE:

City Manager

DATE:

September 18, 1989

ATTEST:

Nelda M. Donahue
City Clerk

DATE: September 18, 1989

EXHIBIT "A"

RESOLUTION NO. 1801

A RESOLUTION OF THE COUNCIL OF THE CITY OF CASA GRANDE, ARIZONA, AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE STATE OF ARIZONA (ADOT) AND THE CITY OF CASA GRANDE TO SHARE THE EXPENSES OF A TRAFFIC SIGNAL AT FLORENCE BOULEVARD AND COLORADO STREET AND THE EXPENDITURE OF PUBLIC FUNDS IN AN AMOUNT NOT TO EXCEED \$40,000 THEREFOR; AND DECLARING AN EMERGENCY.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CASA GRANDE, ARIZONA, as follows:

Section 1. Authorization to Enter into an Agreement

The Mayor and Council hereby approve the authorization of an intergovernmental agreement between the City of Casa Grande and State of Arizona (ADOT) to share the expenses of a traffic signal at Florence Boulevard and Colorado Street and authorize the expenditure of public funds in an amount not to exceed \$40,000.

Section 2. Emergency Clause

WHEREAS, it is necessary for the preservation of the peace, health and safety of the City of Casa Grande, Arizona, an emergency is declared to exist, and this Resolution shall be effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the Mayor and Council of the City of Casa Grande, Arizona, this 18th day of September, 1989.

APPROVED this 18th day of September, 1989, by the affirmative vote of three-fourths of the members of the Council of the City of Casa Grande, Arizona.

ATTEST:

Timothy B. Ken
Mayor

Nelda M. Donohue
City Clerk

APPROVED TO FORM:

W. S. Breen
City Attorney

STATE OF ARIZONA)
 :
County of Pinal)

I, Nelda M. Donahue, Clerk of the City of Casa Grande, hereby certify that the foregoing document is a true and correct copy of Resolution No. 1801, adopted by the Council of the City of Casa Grande in a Regular Meeting held on September 18, 1989.

IN WITNESS WHEREOF, I hereunto set my hand and the official seal of the City of Casa Grande, this 19th day of September, 1989.


CITY CLERK

EXHIBIT "B"

APPROVAL OF THE CITY ATTORNEY

I hereby state that I have reviewed the proposed Construction Intergovernmental Agreement between the State of Arizona, ARIZONA DEPARTMENT OF TRANSPORTATION and the CITY OF CASA GRANDE and declare the Agreement to be in proper form and within the powers and authority granted under the laws of the STATE OF ARIZONA.

Dated this 14 day of Sept., 1989.

CITY OF CASA GRANDE

BY:

W. J. Beer
CITY ATTORNEY

CONSTRUCTION - TRAFFIC SIGNALS

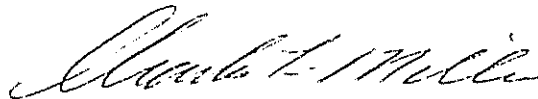
SR 287 at Colorado Street - MP 113.28

CITY OF CASA GRANDE

Project #M951-3-903 H 2805 01C
(287 PM 113)

RESOLUTION

BE IT RESOLVED on this 6th day of September, 19 89, that I, CHARLES L. MILLER, as Director, ARIZONA DEPARTMENT OF TRANSPORTATION, have determined that it is in the best interest of the State of Arizona that the DEPARTMENT OF TRANSPORTATION, acting by and through the Highways Division, enter into a Construction Intergovernmental Agreement with the CITY OF CASA GRANDE, for the installation of traffic signals and/or highway lighting justified by a Traffic Engineering Study. The CITY OF CASA GRANDE shall reimburse the STATE for 50% of the final construction and engineering costs not to exceed \$40,000 for its share of the cost of this work. THEREFORE, authorization is hereby given to draft said Agreement which, upon completion, shall be submitted for approval and execution by the State Traffic Engineer.



CHARLES L. MILLER, Director
ARIZONA DEPARTMENT OF TRANSPORTATION

Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert K. Corbin

INTERGOVERNMENTAL AGREEMENT


DETERMINATION

A. G. Contract No. KR89-2463, is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 6 day of November, 1989.

ROBERT K. CORBIN
Attorney General


Assistant Attorney General
Transportation Division